

# VILLAGE OF ALMONT

## ORDINANCE NO. 187 WATER UTILITY ORDINANCE

An ordinance to repeal Ordinance 96 in its entirety, including any amendments thereto; regulate the control, operation, construction, repair, maintenance, billing for, and use of the Village of Almont's entire water system; and provide penalties for violations of the provisions contained herein.

### THE VILLAGE OF ALMONT ORDAINS:

#### **Section 1. Title**

The title of this ordinance shall be the "Village of Almont Water Utility Ordinance".

#### **Section 2. Definitions**

The following definitions shall apply in the interpretation of this ordinance:

##### ***A. CONSUMER***

An owner of any house, building, structure, premises, lot or parcel of land to which water is supplied by the Village of Almont. The owner of mobile home parks and multi-family dwellings shall be deemed to be the owner of such premises.

##### ***B. SYSTEM OR WATER SYSTEM***

The complete water system of the Village of Almont, including but not limited to all wells, well houses, pumps, water storage facilities, pumping stations, water mains, water treatment facilities, and any other facility or materials used or useful in connection with obtaining, treating, storing and distributing water (including any and all appurtenances and attachments thereto), whether presently owned or hereafter acquired by the Village.

##### ***C. WATER CONNECTION***

A connection between the Village water main and premises served.

##### ***D. WATER MAIN***

A part of the Village water system located within an easement or a street that is designed to supply more than one (1) water connection and is recognized by the Village as a main.

#### **Section 3. Mandatory Connection**

Any dwelling or other building that requires plumbing within the Village of Almont, where a water line of the water system is located within one hundred (100) feet of the property line, must be connected into the water system, except as provided for in Section 4.

## **Section 4. Wells**

Wells may be permitted only by approval of the Almont Village Council in locations where no water line is located within one hundred (100) feet of the property line at the time of service requested.

Wells may also be permitted at the discretion of the Almont Village Council for any parcel, provided the well is used strictly and solely for irrigation and upon the following conditions (which shall also apply to other wells approved by the Village Council):

### ***A. CROSS CONTAMINATION***

The Village of Almont shall reserve the right to inspect the well at any and all reasonable times to ensure that no cross contamination will occur between the well and the water system of the Village of Almont.

### ***B. ORDER OF DISCONTINUANCE OF WELL USE***

Upon the documentation of any threat of cross contamination or the documentation of actual cross contamination between a well and the Village of Almont water system the Village, to the fullest extent allowable by law, shall have the authority to order the discontinuance and/or proper abandonment of the irrigation well, at the cost of the well owner.

### ***C. ISOLATION DISTANCES***

All wells including irrigation wells must conform to State of Michigan Department of Environmental Quality (MDEQ) isolation distance standards for water supply wells. Irrigation wells must conform to the isolation distances for a Type IIb well.

### ***D. WELL INSTALLATION AND GROUTING***

Wells must be installed and grouted in accordance with MDEQ standards and prior to any well installation, permits required by any regulatory authority must be applied for and issued. Copies of permit applications and well permits and final installation records shall be provided to the Village of Almont within 5-days of application submittal and/or permit issuance. The installation of irrigation wells shall comply with MDEQ standards for a Type IIb well.

### ***E. WATER QUALITY***

Once installed any water quality data for the well must be supplied to the Village of Almont whenever it becomes available. In addition, relevant information regarding anticipated water pumping rates and periods must be provided to the Village of Almont prior to well installation and whenever such information becomes available.

### ***F. BLIGHTING***

The use of any well shall not result in the blighting of buildings, roadways, sidewalks, or any other publicly visible item.

### ***G. PERMITS***

Permits related to the installation, operation or abandonment of any well must be furnished to the Village of Almont and must be provided within 5-days of their issuance by a regulatory authority. In addition, the issuance of all permits by the Lapeer County Health Department must be confirmed by the Village prior to any action being taken to drill for any type of well.

#### ***H. ABANDONMENT***

All wells must be abandoned in accordance with permit requirements promulgated by the State of Michigan and upon the abandonment of a well the property owner must provide a copy of the applicable well abandonment log to the Village of Almont.

### **Section 5. Water System Permit Required**

No person shall tap any water main or distribution line of the water system, or insert therein any corporation stop or any other fixture or appliance, or alter or disturb any service pipe, corporation stop, curb stop, gate valve, hydrant, water meter, or any other attachment being part of the water system without first obtaining a permit from the Village. In addition, no person may connect or disconnect any service pipe with or from the mains or distribution lines of the water system without first obtaining a permit from the Village.

### **Section 6. Application for Permit**

Prior to any service connection being made to any part of the water system, or any work being performed on an old or new connection, a permit shall be obtained from the Village Manager and any and all applicable fees shall be paid at that time, including an application fee that shall be determined from time to time by resolution of the Almont Village Council. Such permits may be issued to a property owner or to a contractor performing the work. The applicant shall provide all materials and labor to install that portion of the service not provided by the Village.

### **Section 7. Construction of Service Lines**

All service lines from the main to the meter in the building must be constructed of copper lines and brass fittings or other material approved either by Village Ordinance, Building Code, or National Code for underground service. No soldered joints will be permitted underground.

In addition, no water service line may be constructed within six (6) feet of any sewer line entering the building. The repair, replacement, upkeep or maintenance of any service line, and the costs connected thereto, shall be borne by the property owner of the premises served; this provision shall apply to the portion of the service line owned by the property owner, which shall be from the curb stop to the house or structure, regardless of where the service line is located relative to the property owner's property lines.

### **Section 8. Street Frontage Required**

No water main or water connection line may be extended to any lot or parcel which does not have frontage on a public street or private street.

## **Section 9. Development Costs**

When a new public street or an extension of a public street is constructed, a developer of the public street shall install water mains to Village specifications. Any such developer shall bear the cost for installing such mains. In addition, when structures requiring water service are constructed on existing public streets, the developer of such structures shall bear the cost of extending water mains to such structures. All mains constructed by developers shall be constructed to Village specifications and shall be owned by the Village upon completion.

Developers shall be responsible for the full cost of extending any such main, even if such mains are constructed across other frontages. In addition, developers shall extend these mains across the entire road frontage of their parcel(s).

## **Section 10. Fees; Tapping; Service Connection; and Inspection**

Upon the filing of an application for a permit to connect to any main or distribution pipe of the water system, or upon the filing of an application for a permit to disconnect from any portion of the Village water system, there shall be paid the following fees as prescribed and regulated by the Village Council and set forth by resolution:

### ***A. TAPPING FEES***

A fee shall be paid to the Village for tapping the water main, installing the corporation stop, furnishing and laying service lines from the main to the property line, installing the tap corporation, and installing the curb stop and meter. The fee for this service shall be established from time to time by resolution of the Village Council. The owner shall have the option of providing the necessary labor and materials at his/her own expense (other than that equipment outlined in Section 13) rather than paying the tapping fee.

### ***B. INSPECTION FEES***

A fee, as established by the Village Council from time to time by resolution, shall be paid to the Village for the cost of inspecting any water connections which are installed by the owner rather than by village employees or for completing any disconnections from the Village water system. All owners connecting to the water system shall be responsible for first scheduling an appointment with the Village for the inspection of the connection prior to the connection being made and shall not connect to the water system without the express permission of the Village. If the Village Manager, Department of Public Works Supervisor or Building Official deems any connection to be unsafe or otherwise detrimental to the water system that official shall, at the cost of the consumer, have the authority to order the owner to make any such repair that is necessary to secure public health, safety, and welfare and shall also have the authority to order such service disconnected until any threat to the public health, safety, and welfare is corrected.

### ***C. SERVICE CONNECTION FEES***

An additional fee, known as a service connection fee, shall be paid to the Village for the ability to connect to the Village water system. The amount of the service connection fee shall be established from time to time by resolution of the Village Council.

***D. CONSTRUCTION WATER USE FEES***

A fee shall be paid to the Village by any developer or property owner that has connected to the water system and is using water for construction or other purposes without such water being metered. The amount of this fee shall be established from time to time by resolution of the Village Council. Unless adjusted by the Village Manager, meters must be installed within six (6) months of construction having started on a property. Upon the installation of a meter, and any required inspection of the installed meter by the Village, the collection of a construction water use fee shall cease.

**Section 11. Distribution of Service: Liability**

The Village shall not be liable for any failure or deficiency in the water supply to the consumer, whether occasioned by shutting off the water to make necessary repairs or for any other cause beyond the Village's Control.

**Section 12. Water Meters**

All premises using water shall be metered (except those under construction, as outlined within this ordinance). In the case of mobile home parks one water meter shall be used for the entire premises. In the case of premises which are authorized to use wells pursuant to the provisions of this ordinance, such wells shall be metered for the purpose of determining water use and affixing the proper sewer charge, if any.

**Section 13. Procurement of Water Meters**

All water meters and related equipment, including, but not limited to, radio transmitters, wires, and mounting kits to be used in new construction shall be procured from the Village upon presentation of a receipt indicating that all fees and costs associated with the purchase and inspection of the installed water meters and related equipment have been paid to the Village.

All additional water meters and related equipment, including, but not limited to, radio transmitters, wires, and mounting kits, purchased for the purpose of measuring outdoor water consumption shall be procured from the Village upon presentation of a receipt indicating that all fees and costs associated with the purchase and inspection of the installed water meters and related equipment have been paid to the Village.

If at any time after the procurement of any meter the consumer or property owner loses or breaks the meter the consumer or property owner shall be responsible for obtaining a replacement meter from the Village and any related materials from the Village at their own expense.

#### **Section 14. Accessibility of Meters**

Water meters must be installed in accordance with applicable construction codes and must be accessible for repair and/or replacement by the Village.

#### **Section 15. Responsibility for Meters**

The owner of the property where the meter is installed shall be held responsible for any willful or malicious destruction, for allowing the meter to freeze, or for allowing hot water to back up into the meter, and shall be liable for all costs to repair or replace the meter. The Village shall be responsible for all costs to repair or replace an existing meter caused by ordinary wear and tear or if the Village chooses to upgrade the existing meter.

#### **Section 16. Water Meter Replacement or Repair**

If the Village is unable to obtain an accurate reading because a meter becomes inoperable during any period in which meters are read, or if the Village is unable to obtain a reading from the meter through no fault of the Village, then the Village shall check the records for the amount of water used during the same quarter a year prior and estimate the bill accordingly.

The consumer shall permit the Village access to the meter at all reasonable times for the purpose of inspecting, repairing, replacing or updating the meter and any equipment. Failure to permit the Village to replace or repair a meter shall result in the issuance of a civil infraction, as outlined within this ordinance.

#### **Section 17. Regulations Authorized**

The Village Council may from time to time establish by resolution any regulations of the water system or related procedures deemed necessary to secure public health, safety and welfare.

#### **Section 18. Fees and Charges Authorized**

In addition to those fees outlined elsewhere within this ordinance, the Almont Village Council by resolution may establish from time to time fees to cover costs for service transfers; the creation of new accounts; final meter readings; availability fees; manual meter readings requested by a consumer; water audits; after-hours services; special field appointments; and other activities related to the water system incurring a cost to the Village.

In addition, the Village may charge a property owner or contractor for costs incurred to repair or replace any portion of the water system that is damaged as a result of any willful, accidental or malicious destruction engaged in by such property owners or contractors.

#### **Section 19. Establishment of Rates**

The rates charged for the use of water from the Village water system or for related services shall be established from time to time by resolution of the Almont Village Council. A separate

water billing shall be paid for each individual dwelling unit and for all other metered accounts and/or consumers.

## **Section 20. Sufficiency and Review of Rates**

The rates established by the Almont Village Council in accordance with the provisions of this Ordinance shall be reviewed at least annually and must be determined to be sufficient to provide the revenue required to provide payment for the administration, operation, and maintenance of the water system and to also provide payment for basic service charges and any other related charges and/or expenditures related to the water system.

## **Section 21. Collection of Water Bills**

No free service shall be furnished by the system of the Village or to any person, firm, or corporation. Charges for services furnished by the system shall be billed and collected quarterly (every 3 months) or more often, as shall be determined from time to time by the Village Council by resolution.

Where water charges are billed quarterly, the water meters shall be read and the bills rendered during each of the months of January, April, July and October, or at such other times as the Council shall hereafter adopt by resolution.

Water charges shall be due and payable on or before the tenth (10th) day of the following month following the rendition of the bill, and if such charges are not paid on or before such due date, then a penalty of 10 percent (10%) shall be added thereto.

In the event that the charges for any such services furnished to any premises shall not be paid within thirty (30) days after the due date thereof, then all services furnished by the system to such premises shall be discontinued.

Services so discontinued shall not be restored until all sums then due and owing, including penalties as well as shut-off and turn-on charges, are paid. Said shut-off and turn-on charges shall be established from time to time by resolution of the Almont Village Council.

In addition, any individual or entity that schedules an appointment with the Village to receive a shut-off or turn-on service and fails to arrive at the designated time and place to receive such services shall be charged an inconvenience fee. The inconvenience fee shall be established from time to time by resolution of the Almont Village Council.

Finally, any consumer that pays for a water bill with a check that is returned for insufficient funds shall be charged a fee (an 'NSF' fee) that shall be established from time to time by resolution of the Almont Village Council.

## **Section. 22 Assessment of Delinquent Water Bills**

Any water bills which remain unpaid for more than six months from the date the bill is mailed to the consumer shall be assessed on the tax roll to the real property which receives the service.

All late penalties levied pursuant to the provisions of this Ordinance and any unpaid fees provided for herein shall be added in the amount assessed on the tax roll if such fees or penalties remain unpaid for more than six months from the date the bill is mailed to the consumer.

### **Section 23. Water Deposit**

The Village Council, in its sole discretion, may choose to require that before any new water customer or user obtains service and has his/her water turned on, or before an old water service which has forfeited its previous deposit can be turned on, a cash deposit to be made to the Village Clerk.

Any such deposit shall be deposited by the occupant of the premises, except where the occupant can show to the Village Clerk, a lease or written statement by the property owner stating that the property owner is to be responsible for the payment of the water service.

In such instances, the property owner and not the occupant shall be required to make the above deposit. The amount of any such deposit shall be established from time to time by resolution of the Almont Village Council.

After the deposit outlined within this section shall have been deposited for a period of at least twenty four (24) months with the Village Clerk, said deposit shall be returned to the depositor unless, if during the said twenty four (24) month period, the depositor has been late or delinquent in paying his/her water service charges or fees.

If said refund is not claimed within a period of seven (7) years after the deposit is eligible to be returned to the depositor or if the Clerk is unable to ascertain what the depositors' address is within seven (7) years after the deposit is eligible to be returned to the depositor, the depositor shall have forfeited all claims to said deposit, and the deposit shall be transferred into general fund by the Clerk. Before being transferred into the General Fund deposits may be held in a separate account by the Village.

### **Section 24. Other Water Sales**

The Village Manager, in his/her sole discretion, may authorize the sale of water from Village owned facilities to outside parties, at a rate established from time to time by the Almont Village Council. All use of water from Village owned facilities must be agreed-upon in writing between the party seeking to use the water and the Village prior to the purchase or use of such water.

### **Section 25. Unauthorized Fire Hydrant Use**

It shall be unlawful for any person, except a duly authorized officer, agent or employee of the Village, to cause water to flow from any public or private fire hydrant without a fire hydrant use permit issued by the Director of Public Works or his/her designee. Any person violating this provision shall be issued a civil infraction, as outlined within this ordinance.

### **Section 26. Unauthorized Use Fee**



If at any time any owner or developer taps into the Village water system without filing a permit to tap into the water system or without scheduling an inspection with the Village prior to tapping into the water system then an unauthorized use fee shall be charged against the property owner of the subject parcel. This fee shall be established from time to time by resolution of the Almont Village Council.

### **Section 27. Violations**

Any individual violating this ordinance shall be responsible for a civil infraction, punishable as provided in the Almont Village Civil Infraction Ordinance, being Ordinance No. 163, and any amendatory ordinances connected thereto.

### **Section 28. Repeal of Conflicting Provisions and Replaced Ordinances**

Upon the effective date of this Ordinance, Ordinance 96 and any amendatory ordinances connected thereto shall be entirely repealed. In addition, all ordinances in conflict with the provisions of this ordinance, to the extent of the conflict, are hereby repealed upon the effective date of this ordinance.

### **Section 29. Ordinance Enforcement**

Any sworn police officer in addition to the Village Manager and the Ordinance Enforcement Officer shall be empowered to enforce this ordinance and issue civil infractions for violations thereof.

### **Section 30. Severability**

The various parts, sentences, paragraphs, sections, and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause of this ordinance is ruled unconstitutional or invalid by a court or administrative agency of competent jurisdiction, the rest of the ordinance shall remain intact.

### **Section 31. Effective Date**

This ordinance shall become effective upon its date of publication.

The undersigned President and Clerk of the Village of Almont hereby certify that this Ordinance was adopted at a Regular Meeting of the Almont Village Council held on November 19, 2013 and was published in the *Tri-City Times* on November 27, 2013.

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Kimberly Keesler  
Village Clerk

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Steve Schneider  
Village President

